

CITY OF BRUSH!

MINUTES OF THE JULY 24, 2017 – REGULAR CITY COUNCIL MEETING

The City Council of the City of Brush, Colorado met in regular session on July 10, 2017. Mayor Chuck Schonberger called the meeting to order at 6:00 p.m. The meeting was held at Brush City Hall. The pledge of allegiance was given.

Present on roll call were: Mayor Pro Tem Vicky Quinlin
Councilor Jeanine Anderson
Councilor Rick Bain
Councilor Marlene Baker
Councilor Kimberly Dykes

Absent Mayor Chuck Schonberger
Councilor Heath Becker

Also present were Administrator Monty Torres, Police Chief Travis Anderson, City Attorney Bo Chapin, Assistant City Administrator Karen Schminke, Public Works Director Dale Colerick, Marketing Specialist Tyler Purvis and City Clerk Andrea Strand.

MINUTES

The minutes of the regular meeting of July 10, 2017, were approved as submitted.

VISITORS AND DELEGATIONS

None.

MANAGEMENT

Public Hearing – Brush Meat Processors, LLC Application to Rezone, Re-subdivide, and Vacate Right-of-Ways of BM Processors Subdivision, Amendment No.2, and Amend Special Use Permit

Mayor Pro Tem Quinlin opened the public hearing at 6:02 p.m. to hear comments on the application submitted by BM Processors, LLC, to rezone, re-subdivide, vacate the right-of ways, release easements and amend the special use permit, for property located south of the railroad tracks, west of Colony Subdivision, and was previously known as Rosewood Subdivision. The public hearing was properly noticed.

Assistant City Administrator Karen Schminke presented a review of the staff report, including project history and Planning & Zoning Commission recommendations, for this multi-part application. She highlighted that BM Processors, LLC has requested to increase the size of their property, from the current 12.381 acres to 18.661 acres.

Ms. Schminke concluded her presentation with the following recommendations from the Planning & Zoning Commission and staff:

After reviewing the proposed plat for BM Processors Subdivision, Amendment No. 2 the Planning Commission recommended City Council approve the proposed plat, right-of-way vacation and release of easements.

After evaluating the proposal and reviewing the standards for rezoning, the Planning Commission concluded that there exists sufficient support to rezone the additional 6.280± acres of subject property from Residential Medium Density (RMD) to Industrial (I) and recommended City Council approve this rezoning request.

Staff recommends Council amend the prior special use permit so that all the terms and conditions in Resolution 02-11 and Resolution 11-11 now apply to Lot 1, Block 1 of BM Processors Subdivision, Amendment No. 2 with the following conditions:

- 1) An updated offal management plan detailing the storage and removal of animal byproducts must be submitted and approved by the City.
- 2) An updated management plan must be submitted to and approved by the City to address the handling of the solid wastes generated by corral wash down in the containment/removal trough and should include, but not be limited to: waste trough cleaning frequency, solids stockpiling, stockpile disposal and frequency, stockpile runoff control, waste trough mosquito control. The plan should also address solids disposal from Pond 1 in the event solids from the corrals are introduced; it should also address odor and mosquito control for the ponds.
- 3) BM Processors shall enter into an updated utilities agreement with the City setting out the terms and conditions for its connection to the City's wastewater system, subject to Council approval.

The applicant Ace Ward was present to answer any questions. He explained to Council that increasing additional land area makes it easier to improve wastewater from the facility, which would improve the situation that causes occasional odors and He added that they currently employ 68 employees. He also thanked Council for their past approvals and consideration of this request.

No public comments were received at the hearing and the Mayor Pro Tem closed the public hearing at 6:15 p.m.

Approve the Application from BM Processors, LLC to Rezone, Re subdivide, Vacate Easements and Rights of Way

Councilor Bain offered a motion, second by Councilor Dykes to approve the application submitted by BM Processors LLC. It was approved unanimously by roll call vote.

First Reading of Ordinance No. 859-17, An Ordinance Vacating Streets And Releasing Utility Easements In A Portion Of Rosewood Subdivision And Releasing A Utility Easement In BM Processors Subdivision Amendment No. 1 Of The City Of Brush, Colorado.

The Ordinance was introduced by Councilor Anderson. Councilor Dykes offered a motion, second by Councilor Anderson to approve on First Reading Ordinance No. 859-17 and order publication in full. It was approved unanimously by roll call vote.

Approve BM Processors Subdivision, Amendment No. 2 Plat

Councilor Dykes offered a motion, second by Councilor Anderson to approve BM Processor Subdivision Amendment No. 2 Plat. It was approved unanimously by roll call vote.

First Reading of Ordinance No. 858-17, An Ordinance Rezoning Certain Lands In The City Of Brush Located In BM Processors Subdivision, Amendment No. 2, Being A Re-plat Of BM Processors Subdivision, Amendment No. 1 And A Portion Of Rosewood Subdivision, Morgan County, Colorado.

The Ordinance was introduced by Councilor Dykes. Councilor Anderson offered a motion, second by Councilor Bain to approve on First Reading Ordinance No. 858-17 and order publication in full. It was approved unanimously by roll call vote.

Amended Special Use Permit for BM Processors, LLC

Councilor Bain offered a motion, second by Councilor Dykes to approve an Amended Special Use Permit for BM Processor LLC. With the three conditions outlined by staff,

- 1) An updated offal management plan detailing the storage and removal of animal byproducts must be submitted and approved by the City.
- 2) An updated management plan must be submitted to and approved by the City to address the handling of the solid wastes generated by corral wash down in the containment/removal trough and should include, but not be limited to: waste trough cleaning frequency, solids stockpiling, stockpile disposal and frequency, stockpile runoff control, waste trough mosquito control. The plan should also address solids disposal from Pond 1 in the event solids from the corrals are introduced; it should also address odor and mosquito control for the ponds.
- 3) BM Processors shall enter into an updated utilities agreement with the City setting out the terms and conditions for its connection to the City's wastewater system, subject to Council approval.

It was approved unanimously by roll call vote.

Second and Final Reading of Ordinance No. 856-17, An Ordinance Amending Chapter 4 of the Brush Municipal Code, Increasing the Rate of The City's Sales and Use Taxes from Three and Six-Tenths Percent (3.6%) to Four Percent (4.0%) Effective on January 1, 2015

Councilor Anderson offered a motion, second by Councilor Bain to adopt on second reading Ordinance No. 856-17. It was approved unanimously by roll call vote.

First Reading of Ordinance No. 857-17, An Ordinance of the City Council of the City of Brush, Colorado, Concerning Appointment of a Hearing Officer to Serve as the Liquor Licensing Authority for the City and Establishing Optional Premise License Authority and Standards

The Ordinance was introduced by Councilor Dykes. Councilor Baker offered a motion, second by Councilor Dykes to approve on First Reading Ordinance No. 857-17 and order publication in full. It was approved by roll call vote. Yes: Quinlin, Bain, Baker, Dykes No: Anderson

Resolution No. 2017-6 A Resolution Approving an Intergovernmental Agreement Concerning Election Services with Morgan County Clerk and Recorder and the City of Brush, for Conducting a Coordinated Election for the City's 2017 Regular Election, and Appointing the Designated Election Official

Councilor Bain offered a motion, second by Councilor Anderson to approve the Resolution and Intergovernmental Agreement concerning election services with Morgan County Clerk and Recorder and appointing Andrea Strand as the Designated Election Official. It was approved unanimously by roll call vote.

Resolution No 2017-7 - A Resolution Designating Officers of the City to Represent the City on a Liquor License for the Course Café and Lounge

Councilor Dykes offered a motion, second by Councilor Bain to designate officers of the City to represent the City on a liquor license for The Course Café and Lounge. It was approved by roll call vote. Yes: Quinlin, Bain, Baker, Dykes No: Anderson

Award the Bid for the Golf Course Parking Lot

The bid award for the golf course parking lot was rescheduled to the August 14, 2017, city council meeting.

FINANCE

City Disbursements

Councilor Anderson moved, second by Councilor Dykes to approve City bills from July 10-24, 2017. The roll call vote was unanimous.

General Fund	\$ 50,691.45
Capital Improvement Fund	\$197,370.95
Capital Reserve Fund	\$ 15,161.54
Water Fund	\$ 41,779.10
Trash and Garbage Fund	\$ 14,927.83
Waste Water Fund	\$ 18,119.73
Storm Water Fund	\$ 1,082.64
Golf Course Fund	\$ 11,377.72
Police Forfeiture & Confiscation Fund	\$ 750.00
Payroll	\$ 93,214.87
Payroll Liability and Cafeteria	<u>\$ 35,708.82</u>
Disbursements Total	\$ 480,184.65

STAFF REPORTS

Police Chief

- Reported 640 calls for service
- The department recovered 2 stolen cars
- Assisted other agencies with a shot gun incident and recovered meth.
- Reported on the county SWAT team that assisted Brush which resulted with 2 charges

Assistant City Administrator

- Reported that the larger construction projects are progressing

Public Works Director

- Reported that the Elm and Emerson Street projects are completed
- Mill Street will be completed in September when the weather is cooler
- The last phase of the Down Town Project is progressing, paving is scheduled for August 8th and 9th
- Reported that the water table is very healthy

City Clerk

- Highlighted upcoming meetings on the calendar.
- Reminded all to attend the candidate informational meeting on Monday, July 31 at city hall beginning at 5:30 p.m.

Marketing Specialist

- Reported that planning is in progress for the Pedal the Plains event that will be in Brush on September 15-17.
- He will participate in a Northeast Corridor Business Economic summit.

City Administrator

- Reported the finance department indicated that because of grant funding a single audit will need to be conducted and the auditor has filed an extension to allow time to accomplish this.
- The golf course financials will be discussed in August or September
- Waiting on results of the REDI grant that would assist the city with infrastructure improvements at the English Feedlot.
- Plan on discussion of Quiet Zone and Hospital Road in four to six weeks.
- Tomorrow management staff will meet to provide their recommendations to council concerning budget priorities. The council retreat will be held Monday, August 14, 2017, after the regular meeting. It was decided that a meal will be brought in.

MAYOR AND COUNCIL

Councilor Bain

- Asked for an update on the fire department building. Administrator Torres stated that the committee has been meeting and are waiting on an engineer to survey the current site to identify the floodplain line. We are also waiting on the contract from DOLA. The committee agreed to place the project out to bid with a start date in spring of 2018.

Councilor Anderson

- Reported on legislative updates from the CML Conference. Those being delayed court appointed council required for some municipal court charges, juvenile record expungement and record sealing. Also changes to penalties for driving under restraint.

ADJOURNMENT

The July 24, 2017, meeting adjourned at approximately 6:55 p.m.

ATTEST:

/s/ City Clerk Andrea Strand

/s/ Mayor Pro Tem Vicky Quinlin